

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF ROLAND ROHM, by its Personal
Representative, Geraldine Livermore,

No. 1:04-CV-552

Plaintiff,

v

HON. RICHARD ALAN ENSLEN

DANIEL LUBELAN, individually, and, JERRY
ELLSWORTH, individually, jointly and severally,

Defendants.

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**DEFENDANTS' EX PARTE MOTION FOR LEAVE TO FILE
EXHIBITS IN THE TRADITIONAL MANNER**

Defendants, pursuant to the Electronic Filing Policies and Procedures of this court, seek leave of this Court to file exhibits in the traditional manner.

One exhibit to the Reply Brief in Support of Defendants' Motion for Summary Judgment – the video deposition of plaintiff's expert, John Thornton - cannot be authentically converted to electronic form because it is a CD-ROM. Moreover, the exhibit is critical to the defendants' reply

brief in order to counter the affidavit of the same witness, John Thornton, filed by plaintiff in her response to the Defendants' Motion for Summary Judgment.

For the foregoing reasons, the defendants request that they be allowed to file as an exhibit to their reply brief the CD-ROM containing the video deposition of plaintiff's expert, John Thornton.

Respectfully submitted,

MICHAEL A. COX
Attorney General

/s/ Mark E. Donnelly
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Dated: February 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing of the following: Defendants' Ex Parte Motion for Leave to File Exhibits in the Traditional Manner.

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2003/rohm/exparte mtn (exhibits)